

Application No. 10/764,849 6 of 8
Reply dated 12 September 2005
Responsive to Office Action mailed 16 June 2005

REMARKS

Amendment to the Description

A paragraph bridging from page 25 onto page 26 has been amended to correct a typographical error by changing a reference to a non-existent "figure 3c" to read "figure 3b".

A paragraph on page 27 has been amended to correct a typographical error by replacing "9130)" with "(130)", i.e., by holding down the Shift key when pressing the "(9" key and thereby typing "(" instead of "9".

Amendment to the Claims

Claim 1 has been amended to recite that the changing mat is flat. Support for the revised wording is found in the specification and drawings as originally filed, including on page 25 at lines 17-19 and in every one of the drawing figures.

Claim Rejections - 35 USC § 102 -Roberts

Claims 1 through 4, 6, 7, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,862,535 to Roberts.

To anticipate a claim, the reference must teach every element of the claim (MPEP 2131). Independent **Claim 1** has been amended in this Reply to recite that the changing mat is flat. The definition of the term "flat" is "having the major surfaces essentially parallel and distinctly greater than the minor surfaces <a *flat* piece of wood>" (Merriam-Webster Online Dictionary). It is clear from reference to the drawing figures that this definition applies to the changing mats depicted in the figures.

In the Office Action, the support pillow 100 of the Roberts reference was alleged to be equivalent to the claimed changing mat. However, the support pillow 100 is both explicitly described (column 3, lines 47) and shown in the figures (Figs. 1,2) as being "formed in the shape of a wedge having substantially planar base or bottom surface 102 and a normally substantially planar, upper infant-supporting surface 104 disposed at an acute angle to the bottom surface 102." This wedge shape is essential for the support pillow to provide "an inclined infant-

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supporting surface" (2:49-50) "for securing an infant in an inclination suited for minimizing the occurrence of gastroesophageal reflux" (2:26-27). Thus, the support pillow 100 cannot have the form of a flat mat, because in such a flat form it would not serve to incline the infant's body.

Thus, the Roberts reference fails to disclose each and every element of independent **Claim 1** as presently amended and therefore fails to anticipate this claim. **Claims 2** through **4**, **6**, **7**, and **11** depend from and therefore contain all the limitations of **Claim 1**. Therefore, the Roberts reference likewise fails to anticipate any of these dependent claims.

Accordingly, it is requested that the rejections of **Claims 1** through **4**, **6**, **7**, and **11** under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,862,535 to Roberts be reconsidered and withdrawn.

Claim Rejections - 35 USC § 103 - Roberts

Claims 5 and **12** were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,862,535 to Roberts.

According to MPEP 2143, "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

As discussed above, the Roberts reference fails to teach or suggest all of the limitations of independent **Claim 1**, from which **Claims 5** and **12** depend and all of whose limitations **Claim 5** and **12** thereby contain. No modification of the teachings of the Roberts reference was proposed in the Office Action and there is no suggestion or motivation provided in the reference itself to modify its teachings or to combine them with those of another reference. Additionally, a modification of the teachings of the Roberts reference to change the form of the support pillow from wedge-shaped to flat would render the support pillow unsuitable for its intended purpose of

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inclining an infant's body to prevent the occurrence of gastroesophageal reflux. Thus, the requirements of MPEP 2143 for the establishment of a *prima facie* case of obviousness have not been met with respect to the rejections of Claims 5 and 12.

Accordingly, it is requested that the rejections of Claims 5 and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,862,535 to Roberts be reconsidered and withdrawn.

Allowable Subject Matter

The statements regarding allowable subject matter in Claims 8 through 10 are appreciated. Because it is believed that all of the pending claims are allowable as listed in this Reply, these claims have not been rewritten in independent form.

Respectfully submitted,

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